

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04-cr-295

UNITED STATES OF AMERICA

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vs.

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RONNIE TEAL

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ORDER

THIS MATTER is before the Court upon motions of the defendant pro se and through counsel for a reduction of sentence based on the retroactive amendments to the United States Sentencing Guidelines triggered by the Fair Sentencing Act of 2010. (Doc. Nos. 150, 153).

Counsel for the defendant acknowledges that the Court has previously denied sentence reduction motions by the defendant because his sentence was determined pursuant to the career offender guideline, (Doc. Nos. 128, 139, 147: Orders). (Doc. No. 153: Motion at 1). Yet, the instant motion provides no basis for a different result. See United States v. Munn, 595 F.3d 183, 187 (4th Cir. 2010) (where defendant was sentenced pursuant to career offender guideline, court lacks authority to reduce sentence based on subsequent amendment to crack cocaine guidelines). Accordingly, the defendant is not eligible for a sentence reduction. USSG §1B1.10 comment. (n.1(A)(ii)) (defendant not eligible for reduction where another guideline provision prevents lowering of guideline range).

IT IS, THEREFORE, ORDERED that the defendant's motions are **DENIED**.

The Clerk is directed to certify copies of this Order to the defendant, the Community Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: April 23, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

